

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

UNITED STATES OF AMERICA, :
 :
 PLAINTIFF, :
 :
 v. :
 :
 SEVENTY FOUR THOUSAND SEVEN :
 HUNDRED (\$74,700) DOLLARS IN :
 UNITED STATES CURRENCY, :
 :
 DEFENDANT. :

2006 AUG 15 P 3:43

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT

CIVIL ACTION NO.

2:06 CV 736- WKW

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property: Seventy Four Thousand Seven Hundred (\$74,700) Dollars in United States currency (hereinafter, "Defendant currency") which was seized on March 31, 2006, for violations of Title II of the Controlled Substances Act, Title 21, United States Code, Sections 801 et seq.

JURISDICTION AND VENUE

2. The United States brings this action in rem in its own right to forfeit and condemn the Defendant currency under Title 21, United States Code, Section 881(a)(6). This Court has jurisdiction

over this matter by virtue of Title 28, United States Code, Section 1345 and Section 1355.

3. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355 and Title 21, United States Code, Section 881(j), because the acts and omissions giving rise to the forfeiture occurred in this district and the property is located within the Middle District of Alabama.

THE DEFENDANT IN REM

4. The Defendant consists of Seventy Four Thousand Seven Hundred (\$74,700) Dollars in United States currency, which was seized on March 31, 2006.

FACTS

5. The facts and circumstances supporting the seizure of the Defendant currency are as follows:

a. In March 2006, the Montgomery Police Department received information regarding George Jones (hereinafter, "G. Jones") and his drug activities. Surveillance was established on G. Jones' residence (5304 West Shades Valley Drive, Montgomery, Alabama).

b. On March 31, 2006, officers conducting surveillance observed Otis Jones (hereinafter, "O. Jones") arrive and go inside the residence. O. Jones and G. Jones were approached by officers when both men walked outside the residence. G. Jones fled. During pursuit, G. Jones threw a clear plastic bag containing a white

substance. The plastic bag contained approximately 190 grams of powder cocaine.

c. On March 31, 2006, the Montgomery Police Department executed a search warrant at 5304 West Shades Valley Drive, Montgomery, Alabama.

d. During the search, the defendant currency, a Glock 9mm handgun and two bags containing powder cocaine were found and seized. Powder cocaine was also located in the tool box of O. Jones' truck.

e. The Defendant currency was seized and the men were arrested and transported to the Montgomery Police Department's Narcotics office for processing and further questioning.

f. Task Force Officer Scott Edwards (hereinafter, TFO Edwards) asked G. Jones why he had the defendant currency. G. Jones stated that a subject known only as "Boo" asked him to hold the money. TFO Edwards then asked where "Boo" got the money and G. Jones stated, "We all know what's going on ...it's dope money."

g. O. Jones stated he knew nothing about the defendant currency.

h. An NCIC check on the subjects revealed that G. Jones has been arrested for Violation of License to Carry Pistol, Making a False Report and Resisting Arrest, along with other misdemeanor arrests. O. Jones has been arrested for Violation of License to Carry a Pistol.

CLAIM FOR RELIEF

6. The United States repeats and realleges each and every allegation set forth in Paragraphs 1 through 5(h) above.

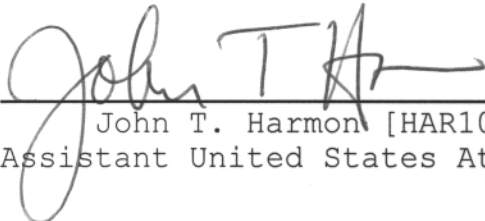
7. The Defendant currency constitutes monies furnished, or intended to be furnished, in exchange for controlled substances, or represents proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of Title 21, United States Code, Sections 801 et seq.

8. As a result of the foregoing, the Defendant currency is liable to condemnation and to forfeiture to the United States of America for its use, in accordance with Title 21, United States Code, Section 881(a)(6).

WHEREFORE, the United States of America requests that the Court issue a Warrant and Summons for the arrest and seizure of the Defendant currency; that notice of this action be given to all persons known or thought to have an interest in or right against the currency; that the Defendant currency be forfeited and condemned to the United States of America; that the United States of America be awarded its costs and disbursements in this action; and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this 14th day of August, 2006.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY



John T. Harmon [HAR108]
Assistant United States Attorney

Address of Counsel:

Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
E-mail: John.Harmon@usdoj.gov

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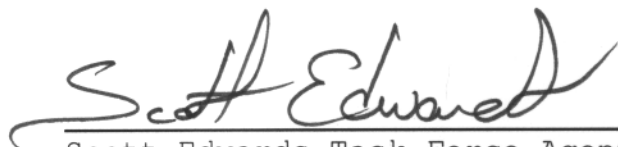
STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

VERIFICATION

I, Scott Edwards, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the United States Drug Enforcement Administration, that I have read the foregoing Verified Complaint and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

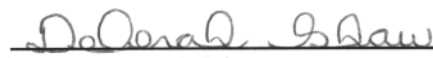
The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct on this 14th day of August, 2006.



Scott Edwards-Task Force Agent
Drug Enforcement Administration

Sworn to and subscribed before me this the 14th day of August, 2006.



Notary Public
Commission Expires: 9.23.09

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WARRANT AND SUMMONS FOR ARREST IN REM

TO THE UNITED STATES MARSHAL OF THE MIDDLE DISTRICT OF ALABAMA
AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, a Verified Complaint of Forfeiture has been filed on
Seventy Four Thousand Seven Hundred (\$74,700) Dollars in United
States Currency in the United States District Court for the Middle
District of Alabama, alleging that the Defendant currency is
subject to seizure and forfeiture to the United States pursuant to
Title 21, *United States Code*, Section 881(a)(6), for violation of
Title 21, *United States Code*, Section 801 et seq.;

And, the Court being satisfied that, based on the Verified
Complaint of Forfeiture, there is probable cause to believe that
the Defendant currency so described constitutes currency involved
in or traceable to such violation(s) of Title 21, *United States
Code*, Section 801 et seq., and that grounds for application for
issuance of a warrant of arrest for articles in rem exist, pursuant
to Supplemental Rule C(3) of the Supplemental Rules for Certain
Admiralty and Maritime Claims;

YOU ARE, THEREFORE, HEREBY COMMANDED to arrest and seize Defendant currency, and use discretion and whatever means appropriate to protect and maintain said defendant currency; and,

IT IS FURTHER ORDERED that you shall serve upon all persons known or thought to have an interest in or right against the currency a copy of this warrant and summons and the verified complaint in rem in a manner consistent with the principles of service of process of an action in rem under the Supplemental Rules For Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure; and,

IT IS FURTHER ORDERED that you publish in the Montgomery Advertiser (a newspaper of general circulation in this District), notice to all persons of this action and the procedures to be followed for making a claim as described in this Warrant. You are further authorized in the exercise of your discretion to publish such notice in additional newspapers as you deem necessary; and,

IT IS FURTHER ORDERED that a return of this Warrant and Summons shall be promptly made to the Court identifying the individuals upon whom copies were served and the manner employed; and,

IT IS FURTHER ORDERED that all persons claiming an interest in or right against the Defendant currency shall file a claim asserting that interest, in the manner set forth in Title 18, *United States Code*, Section 983(a)(4)(A), and such claim must be

filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint, and shall serve and file their answers to the verified complaint within twenty (20) days after the filing of the claim/statement of interest with the Office of the Clerk, United States District Court for the Middle District of Alabama, with a copy thereof sent to Assistant United States Attorney:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
(334) 223-7280.

Done this the ____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE

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NOTICE OF ARREST AND SEIZURE

Notice is hereby given that the United States of America has filed a Complaint for Forfeiture In Rem and the Court has issued Warrant of Arrest In Rem for the forfeiture of the Defendant Seventy Four Thousand Seven Hundred Dollars (\$74,700) in United States Currency, which was seized from George Jones, III on March 31, 2006, in Montgomery, Alabama.

Any person claiming an interest in the Defendant Currency must file a claim asserting that interest, in the manner set forth in Title 18, *United States Code*, Section 983(a)(4)(A), such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint. In addition, any person having filed such a claim shall also file an Answer to the Complaint not later than 20 days after the filing of the claim, and shall serve and file the Claim and Answer to the Verified Complaint with the Office of the Clerk, United States

District Court for the Middle District of Alabama, 15 Lee Street,
Montgomery, Alabama 36104, with a copy thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suit 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
(334) 223-7280.

Additional procedures and regulations regarding this
forfeiture action are found at Title 19, *United States Code*,
Sections 1602-1619, and Title 21, Code of Federal Regulations
(C.F.R.) Sections 1316.71-1316.81.

All persons and entities who have an interest in the Defendant
Currency may, in addition to filing a claim or in lieu of the
filing of a claim, submit a Petition for Remission or Mitigation of
the forfeiture for a non-judicial determination of this action
pursuant to 28 C.F.R. Part 9.

JESSE SEROYER, JR.
UNITED STATES MARSHAL
MIDDLE DISTRICT OF ALABAMA